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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/442,489	11/18/1999	BERT VOGELSTEIN	01107.78817	5944

7590 01/29/2004

BANNER & WITCOFF LTD
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1001 G STREET NW
WASHINGTON, DC 200014597

EXAMINER

VANDERVEGT, FRANCOIS P

ART UNIT	PAPER NUMBER
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1644

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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09/442 489

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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01232004

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Art Unit: 1644

1. The reply filed on December 17, 2003 is not fully responsive to the prior Office Action because:

The amendment filed December 17, 2003 proposes amendments to the specification, specifically to the sequence listing, that do not comply with 37 CFR §§ 1.821-1.825 for the following reasons:

I) The computer readable form (CRF) of the sequence listing is defective for the reasons stated on the enclosed Notice to Comply and marked-up copy of the Raw Sequence Listing. Numerous errors in the CRF precluded entry into this reissue application.

II) The paper copy of the sequence listing also contains a number of the same errors. In light of the discrepancy between the paper and CRF copies and the numerous errors, the paper copy of the sequence listing also could not be entered in this reissue application.

For these reasons, the amendment filed December 17, 2003 has not been entered. A supplemental paper correctly amending the reissue application is required in order to comply with the requirements of 37 CFR §§ 1.821-1.825.

2. Applicant is reminded that any changes must be made in accordance with the requirements of 37 CFR § 1.173(b).

Specifically, any changes relative to the patent being reissued that are made to the specification must include the following markings:

- (1) The matter to be omitted by reissue must be enclosed in brackets; and
- (2) The matter to be added by reissue must be underlined.
- (3) All amendments must be made relative to the patent specification that is in effect as of the date of the filing of the reissue application.

Applicant is reminded that the underlining and bracketing, when applied to a sequence listing, is required in the paper copy but not the CRF, as the characters will cause an error when the CRF is entered.

3. It is noted that Applicant used PatentIn Release #1.0, Version #1.25 to prepare the sequence listing. Applicant is allowed and advised to continue using said Release and Version to minimize the

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amount of underlining and bracketing required. In the event of questions or problems regarding this earlier version of PatentIn, Applicant is advised to contact:

Lisa Hobbs
Project Manager, PatentIn
Search and Information Resources Administration
US Patent and Trademark Office
Phone: (703) 308-6573
Fax: (703) 305-3014

General questions regarding sequence submissions or "checking" sequences can be directed to Mark Spencer of the Scientific and Technical Information Center at (703) 308-4266.

4. Further, in accordance with 37 CFR § 1.821(f), Applicant must submit a new statement that the "Sequence Listing" content of the paper or copy and the computer readable copy are the same, e.g., a statement that "the sequence listing information recorded in computer readable form is identical to the written sequence listing."

5. Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application. **This obligation includes amendment of the first line of the specification to note the related reissue proceedings regarding U.S. Patent No. 5,691,454.**

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

6. **Since the period for reply set forth in the prior communication (mailed December 5, 2003) has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).**


The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Pierre VanderVegt whose telephone number is (571) 272-0852. The examiner can

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normally be reached on M-Th 6:30-4:00; Alternate Fridays 6:30-3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is (703) 305-3014. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

F. Pierre VanderVegt, Ph.D.
Patent Examiner
January 23, 2004


CHRISTINA CHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

Application No.: 09/442489

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s)

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The paper copy is also defective

Applicant Must Provide:

- ☒ An ~~initial~~ or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An ~~initial~~ or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE